IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:-

THE HONOURABLE THE CHIEF JUSTICE MR.H.L.DATTU
&
THE HONOURABLE MR. JUSTICE K.M.JOSEPH

TUESDAY, THE 13TH NOVEMBER 2007 / 22ND KARTHIKA 1929

Cont.Case(C).No.1211 of 2007(S)

ARISING OUT OF THE JUDGEMENT IN WPC.37456/2004-H, DATED 13/01/2006

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PETITIONERS (PETITIONERS IN THE WRIT PETITION):-

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1. R.HRISHIKESAN NAIR,
   AGED 49 YEARS,
   S/O. BALAKRISHNAN NAIR,
   PULICKAL HOUSE,
   KAIPPUZHA,
   ETTUMANOOR,
   KOTTAYAM.

2. U.N.THAMPI,
   AGED 55 YEARS,
   S/O. K.NARAYANAN,
   KUZHEEPPARAMBIL HOUSE,
   ATHIRAMPUZHA,
   KOTTAYAM.

BY ADV. SRI.N.RATHEESH
SMT.SUMA RATHEESH

RESPONDENT: (1ST RESPONDENT IN THE WRIT PETITION):-

RAMACHANDRAN NAIR,
(AGE AND FATHER'S NAME NOT KNOWN TO THE PETITIONERS),
SECRETARY,
THIRUVITHAMKOOR DEVASWOM BOARD,
THIRUVANANTHAPURAM.

BY STANDING COUNSEL SRI.K.N.VENUGOPALA PANICKER.

THIS CONTEMPT CASE (CIVIL) HAVING COME UP FOR ADMISSION ON 13/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:-

H.L.DATTU, C.J. & K.M.JOSEPH, J.

Cont. Case (C) No.1211 of 2007

Dated, this the 13th day of November, 2007

JUDGMENT

H.L.Dattu, C.J.

Petitioners in W.P.(C) No.37456 of 2004 are the complainants in this contempt petition. They allege that the respondents have wilfully and deliberately disobeyed the orders and directions issued by this Court while disposing of W.P.(C) No.37456 of 2004 dated 13th January, 2006.

(2) The orders and directions issued by this Court are as under:

> "In view of the above discussion, we allow W.P.No.37456 of 2004 and direct the 1st respondent to take steps to see that the oxen offered to Ettumanoor Mahadeva Temple by the devotees are properly protected and are not allowed to be sold to butchers as suggested in the counter-affidavit. In the light of Ext.P9 order also, the Devaswom Board was required either to protect the oxen or to sell them. The direction to sell the oxen in Ext.P9 is unsustainable and to that extent it is quashed. With regard to the question whether the temple should accept oxen in future or not, the same has to be reconsidered by the Devaswom Board. The practice followed in Tamil Nadu can be considered for acceptance. Whether the devotees should be made to deposit certain amounts for maintenance of such oxen also can be considered by the Devaswom Board. The temple can always refuse to accept the old, invalid and unwanted oxen by way of offering in the temple. The directions must be implemented within two months from this date."

(3) Notice on this contempt petition was ordered to be issued and served on the respondent. He has entered appearance through his learned counsel. He has also filed a counter affidavit before this Court. In that he has specifically stated that after orders are passed by this Court, the respondent has not sold any oxen that was offered by the devotees of the temple and secondly, they have taken effective steps to construct a shed to protect the oxen.

(4) The complainants have not produced any other material to substantiate the allegations made in the complaint. Therefore, we have no other alternative but to accept the stand of the respondent, for the present. Therefore, we do not intend to take cognizance of this complaint and the same is dropped. However, liberty is reserved to the complainants, if they so desire, to approach this Court if need arises in future.

Ordered accordingly.

(**H.L.DATTU)**
CHIEF JUSTICE

(K.M.JOSEPH)
JUDGE

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